PATENT COOPERATION TREATY

PCT

TRANSLATION INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference SO-P2090PC00	FOR FURTHER ACTION	See Form PCT/IPEA/416			
International application No.	International filing date (day/month/ye				
PCT/EP2004/053388	10.12.2004	12.12.2003			
International Patent Classification (IPC) or national classification and IPC C07F9/48. C07F17/02					
SOLVIAS AG	Applicant SOLVIAS AG				
This report is the international prelir under Article 35 and transmitted to th		by this International Preliminary Examining Authority			
2. This REPORT consists of a total of	7 sheets,	including this cover sheet.			
3. This report is also accompanied by Al	NNEXES, comprising:				
a. (sent to the applicant and	to the International Bureau) a total of	91 sheets, as follows:			
1 1 1 1	sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative				
sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental					
Box. b. (sent to the International i	Bureau only) a total of (indicate type an	d number of electronic corrier(c))			
(sent to the International I	<i>Битеци опцу)</i> а total of (marcate type an	d number of electronic carrier(s))			
-	, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).				
This report contains indications relations	ng to the following items:				
Box No. I Basis of the	report				
Box No. II Priority					
Box No. III Non-establi:	shment of opinion with regard to novelt	y, inventive step and industrial applicability			
Box No. IV Lack of unit	ty of invention				
	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement				
Box No. VI Certain doct	Box No. VI Certain documents cited				
Box No. VII Certain defe	ects in the international application				
Box No. VIII Certain obse	ervations on the international application	n			
Date of submission of the demand	Date of complet	ion of this report			
Name and mailing address of the IPEA/EP	Authorized office	Authorized officer			
Facsimile No.	Telephone No.				

International application No.

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Box	No. I	Basis of the report		
1.		n regard to the language , this report is based on the internaticated under this item.	onal application in the language in	which it was filed, unless otherwise
		This report is based on translations from the original languments which is the language of a translation furnished for the pure		,
		international search (Rule 12.3 and 23.1(b))		
		publication of the international application (Rule 12.	4)	
		international preliminary examination (Rule 55.2 and		
2.	rece	n regard to the elements of the international application, thi iving Office in response to an invitation under Article 14 a report):		v
		the international application as originally filed/furnished		
	\boxtimes	the description:		
		pages		as originally filed/furnished 20.09.2005 with letter
		pages* _ 1-73	_ received by this Authority on	
		pages*	_ received by this Authority on	
	\boxtimes	the claims:		
		nos.		as originally filed/furnished
		nos.*	as amended (together	
		nos.* 1-20	_ received by this Authority on	20.09.2005 with letter of 16.09.2005
		nos.*	_ received by this Authority on	
		the drawings:		
		sheets		as originally filed/furnished
		sheets*	_ received by this Authority on	
		sheets*	_ received by this Authority on	
		a sequence listing and/or any related table(s) – see Suppler	mental Box Relating to Sequence L.	isting.
3.		The amendments have resulted in the cancellation of:		
		the description, pages		
		the claims, nos.		
		the drawings shorte/figs		
		the sequence listing (specify):		
		any table(s) related to sequence listing (specify):		
4.		This report has been established as if (some of) the amer they have been considered to go beyond the disclosure as		
		the description, pages		
		the claims, nos.		
		the drawings, sheets/figs		
		the sequence listing (specify):		
		any table(s) related to sequence listing (specify):		
*	If ite	em 4 applies, some or all of those sheets may be marked "su	perseded."	

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Box No. II	I Non-establishment of opinion with r	regard to novelty, inventive step and industrial app	olicability
	ons whether the claimed invention appears to have not been examined in respect of:	o be novel, to involve an inventive step (to be no	n obvious), or to be industrially
	the entire international application		
\boxtimes	claims Nos. 20		
because	e:		
	the said international application, or the said cl		
	relate to the following subject matter which do	es not require an international preliminary examination	on (specify):
	the description, claims or drawings (indicate pa	articular elements below) or said claims Nos.	
	are so unclear that no meaningful opinion could	d be formed (specify):	
	the deign or said deign No.		:
	the claims, or said claims Nos. by the description that no meaningful opinion of	could be formed.	are so inadequately supported
\boxtimes	no international search report has been establish	shed for said claims Nos. 20	
	the nucleotide and/or amino acid sequence list Instructions in that:	ring does not comply with the standard provided for	in Annex C of the Administrative
	the written form	has not been furnished	
		does not comply with the standard	
	the computer readable form	has not been furnished	
		does not comply with the standard	
	the tables related to the nucleotide and/or ami technical requirements provided for in Annex C	ino acid sequence listing, if in computer readable fo C-bis of the Administrative Instructions.	orm only, do not comply with the
	See Supplemental Box for further details.		

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Вох	No. V			ticle 35(2) with regard to novelty, inventive step or industrial applicability; porting such statement	
1.	Statement				
	Novelty	(N)	Claims	1-19	YES
	Inventive	e step (IS)	Claims	1-19	YES
	Industria	l applicability (IA)	Claims	1-19	YES
2.	Citations an	d explanations (Rule 7	0.7)		
2.				novel compounds of formula I, unity	
	_			been established.	
	OI III	vencion na.	5 110W	been established.	
	This	renort make	es rei	ference to the following documents	
		_		cited in the search report:	
	(2),	WIIICII IIGVC	DCCII	ered in the bearen report.	
	D1:	DREWELIES	K ET	AL: "o- and m- Phenylene-	
				osphane)-versatile, useful synthetic	
			_	s" ANGEWANDTE CHEMIE. INTERNATIONAL	
		-		21, no. 8, 1982, pages 638-639,	
				RLAG CHEMIE. WEINHEIM., DE ISSN:	
		0570-0833	•		
	D2:	WO-A-03/0	31456		
	D3:	XP0023237	68 (M	ehring, M.)	
	D4:	WO-A-03/0	48107		
	D6:	DE-A-1005	2391		
	D7:	EP-A-8035	10		
	D8:	WO-A-03/0	93285		
	D9:	EP-A-8421	40		
	D10:	XP-004174	097		
	D11:	XP-004245	864		
	D12:	XP-002160	687		
	D13:	XP-004158	858		

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

D14: WO-A-03/076451

Independent claim 2

By the limitation to ferrocenes, bis(indenyl) ferrocenes and ruthenocenes of the original claim 6, novelty and inventive step can be recognized for independent claim 2 (compound (I)) because D1 does not relate to any sandwich compounds.

Claim 1 relates to the production of compounds (I) and
claims 4 and 8 relate to the use thereof: the claims
therefore appear to be patentable even as an analogous
method in conjunction with a patentable substance claim 2
(see PCT Guidelines III; 13.19).

Independent claim 5:

1,2-bissubstituted ferrocenes are already known from several documents, inter alia in WO-A-00/37478, which is cited by the applicant, as formula (I) in which one of the substituents is phosphino and therefore does not have the following structural element:

-P-X1

Х2

This group is, however, generically disclosed in D4, page 9, with formula (Vb).

1,2-ferrocenyl for group Z is anticipated on page 10. Since the preparation of compound (III) according to claim 5 therefore involves at least two selections from D4, inventive step can be recognized.

The same argument applies with regard to D6.

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Claims 10, 12, 14, 16 and 18

The novel compounds of these claims (see, with regard to claim 16, for example, D13, compound 10a) are used in the novel and inventive methods according to claims 11, 13, 15, 17 (compound XXVII is compound XXV in these claims) and 19 and are therefore also inventive.

Dependent claims 3, 6, 7, 9, 11, 13, 15, 17 and 19

Dependent claims 3, 6, 7, 9, 11, 13, 15, 17 and 19 relate to further embodiments of the invention. These claims therefore also meet the EPC requirements.

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Supplemental Box				
In case the space in any of the preceding boxes is not sufficient. Continuation of: Box III				
Claim 20 has not been searched.				